

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 27-44 and 48-50 are pending in the application. Claims 27-30, 35-37, 39, 41-44 and 48-50 have been amended to address formal matters. Thus, the changes to claims 27-30, 35-37, 39, 41-44 and 48-50 are non-narrowing in nature.

Claims 31-34, 38 and 40 have been withdrawn from consideration. However, these claims have also been amended to address formal matters. At this time, applicants respectfully request the rejoinder of claims 31-34, 38 and 40. Claims 31-34, 38 and 40 are method claims which incorporate the recitations of the pending product claims. As the Examiner is aware, when applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from otherwise require out the limitations of the allowable product claim must be considered for rejoinder. Applicants believe that the present product claims are allowable for the reasons that follow. As the present product claims are allowable, applicants request that they be rejoined at this time.

In the outstanding Official Action, claim 30 is objected to because the term "according to" was repeated. Accordingly, claim 30 has been amended to address this issue.

Claims 27-30, 35-37, 39, 42-44 and 48-49 were rejected under 35 USC 103(a) as allegedly being unpatentable over FARKAS, SHUPE et al., GAYST et al., and JIA. These rejections are respectfully traversed.

Claims 27-30, 35-37, 39, 42-44 and 48-50 were rejected as allegedly being obvious in view of U.S. 3,360,511, U.S. 6,290,964, U.S. 4,315,918 and U.S. 2002/0071868. This rejection is traversed.

The present invention aims to provide a composition comprising isolated polysaccharides derivable from *Aloe vera*, which is suitable as food supplement or in dietary foods, in personal care or in cosmetics, or in pharmaceutical use.

The inventors of the present invention have recognized that a novel negatively charged polysaccharide fraction isolated from *Aloe vera*, mainly comprising mannose, shows a surprisingly higher biological activity than other polysaccharide fractions, which do not bind to a positively charged column. Besides mannose, the negatively charged polysaccharide fraction may also comprise glucose and a small amount of other monosaccharides. Therefore, the invention concerns a composition comprising polysaccharides in isolated form which are derivable from *Aloe vera*, wherein the polysaccharides comprise 60 - 100% D-mannose, 0 - 40% D-glucose and 0 - 10% other monosaccharides, are negatively charged and bind to a positively charged column.

FARKAS is concerned with Aloe polysaccharides. However, the polysaccharides comprise about equal parts (35-40%) of glucose and mannose together with a small amount of glucuronic acid (1-2%). The polysaccharides are obtained with a precipitation step. FARKAS does not disclose polysaccharides comprising an amount of at least 60% D-mannose and an amount of at most 40% D-glucose. FARKAS does not disclose isolated and negatively charged polysaccharides that bind to a positively charged column.

The other cited publications (i.e. SHUPE, GAYST, JIA) disclose various polysaccharides. However, none of them discloses isolated polysaccharides with an amount of D-mannose of at least 60% and an amount of D-glucose of at most 40% that are negatively charged and bind to a positively charged column.

Since none of the cited documents gives any indication, nor any suggestion, to isolate the negatively charged biological active polysaccharides, none of the pending claims would have been obvious in view of the cited documents, either taken alone or in combination.

In view of the above, applicants respectfully request that the above-identified rejections be withdrawn.

At this time, the Examiner is respectfully reminded that a critical step in analyzing obviousness pursuant to 35 U.S.C. §103(a) is casting the mind back to the time of the invention, to consider the thinking of one of ordinary skill in

the art, only guided by the publications and then-accepted wisdom in the field. Close adherence to this methodology is important in cases where the invention itself may prompt an Examiner to "fall victim to the insidious effect of a hindsight syndrome, wherein that which only the invention taught is used against its teacher." Indeed, to establish a prima facie case of obviousness, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ 2d 1313, 1362 (Fed. Circ. 2000). The fact that the prior art could be so modified would not have made the modification itself obvious unless the cited publications themselves suggested the desirability of the modification. *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Circ. 1984).

In light of the lack of a motivation, suggestion or teaching of the desirability of making the claimed combination, applicant believes that the publication fails to disclose or suggest the claimed invention.

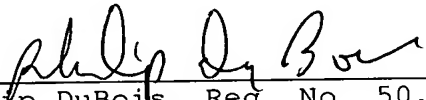
Thus, in view of the above, applicants respectfully submit that none of the cited publications, alone or in combination, anticipate or render obvious the claimed invention.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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